

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AIRBIQUITY INC.,
a Washington corporation,

Plaintiff,

v.

AT&T MOBILITY LLC, *a Delaware limited liability*
company; NEW CINGULAR WIRELESS
SERVICES, INC., *a Delaware corporation*; and
NEW CINGULAR WIRELESS PCS LLC, *a*
Delaware limited liability company,

Defendants.

CIVIL ACTION NO. 2:08-cv-00094-TSZ

STIPULATION AND ORDER

The parties have conferred concerning the Court's Minute Order Setting Trial and Related Dates (*Ct. Dkt. #51*) and have concluded that a modification to the schedule would advance the Markman claim construction process. Specifically, the Minute Order currently requires the exchange of expert reports on Markman claim construction issues before the parties will have exchanged lists of disputed terms and proposed constructions for those terms. The proposed Order attached hereto modifies the order of these

STIPULATION AND ORDER

1 events. The parties respectfully request the Court grant the attached proposed Order which would alter
2 the sequence of claim construction exchanges as follows:

- 3 • Parties to exchange preliminary proposed constructions of disputed claim terms and provide list
4 of proposed extrinsic evidence:
 - 5 ○ February 6, 2009
- 6 • Reports from expert witnesses, if any, regarding Markman issues
 - 7 ○ February 20, 2009
- 8 • Rebuttal expert reports, if any, regarding Markman issues:
 - 9 ○ March 6, 2009

10 All other dates shall remain the same.

11 Agreed to by the parties:

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13 DORSEY & WHITNEY LLP

BAKER BOTTS, LLP

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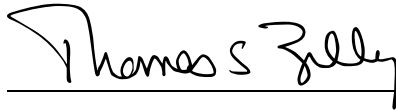
Attorneys for Defendants

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26 DATED this 9th day of January, 2009.

ORDER

Pursuant to the stipulation of the parties, .

IT IS SO ORDERED this 23rd day of January, 2009.

A handwritten signature in black ink that reads "Thomas S. Zilly". The signature is written in a cursive style with a horizontal line underneath it.

Thomas S. Zilly
United States District Judge